



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

December 6, 2016

Mr. Alex Ringler
Dovetail Energy, LLC
1146 Herr Road
Fairborn, OH 45324

Re: **Dovetail Energy, LLC**
Notice of Violation (NOV)
NOV
NPDES
Greene County
1IN00305*AD

Subject: Notice of Violation

Dear Mr. Ringler:

On November 29, 2016, Ohio EPA Division of Surface Water (DSW), Central Office (CO) received a complaint alleging that biosolids had been surface applied too close to the well located at 4505 Byron Road in Bath Township, Greene County. On November 30, 2016, the following beneficial use sites authorized to Dovetail Energy, LLC were inspected by Ohio EPA to determine your facility's compliance with Ohio's environmental laws and regulations as found in Chapter 6111 of the Ohio Revised Code (ORC), Chapter 3745-40 of the Ohio Administrative Code (OAC), and the terms and conditions of NPDES Permit 1IN00305*AD issued on February 26, 2014:

<u>Ohio EPA Site</u>	<u>Field ID</u>
29-00183	GRQ-01-08
29-00184	GRQ-01-08
29-00432	GRQ-06-01
29-00433	GRQ-06-02

Findings

Ohio EPA observed the following violations of Ohio's environmental laws and regulations and Dovetail Energy, LLC's permit terms and conditions. In order to bring your facility into compliance, Ohio EPA recommends promptly addressing these violations within 30 days of your receipt of this letter.

1. **ORC 6111.07(A):** No person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.
OAC 3745-40-06(A): Prior to the beneficial use of class B biosolids, a permittee shall obtain from the director or an authorized representative an authorization to beneficially use biosolids for the site to which the beneficial use of biosolids is to occur.

NPDES permit no. 1IN00305*AD, Part II. G: All treatment, storage, transfer, or disposal of sewage sludge and biosolids and the beneficial use of biosolids by the Permittee shall comply with ORC 6111, OAC 3745-40, any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the treatment, storage, transfer, or disposal of sewage sludge and biosolids and the beneficial use of biosolids by the Permittee.

(a) **Violation Description:** Biosolids were present on the surface of the field between Ohio EPA Sites 29-00432 and 29-00433. This field has not been authorized for the beneficial use of biosolids.

(b) **Requested Action:** Please submit a beneficial use site authorization application for the field located between Ohio EPA Sites 29-00432 and 29-00433.

2. **ORC 6111.07(A):** See Above

OAC 3745-40-06(A)(2): An application for an authorization for a beneficial use site shall be valid only for those conditions stated in the specific beneficial use site authorization.

NPDES permit no. 1IN00305*AD, Part II. G: See Above

(a) **Violation Description:** Liquid biosolids had been surface applied in several locations at these sites despite the intent to inject the biosolids.

(b) **Additional Information:** The site authorizations issued for these sites on July 3, 2014 and June 25, 2015 include the following special condition: "All biosolids beneficially used at these sites shall be injected beneath the surface of the ground or immediately incorporated into the soil." Immediate incorporation is defined as "the incorporation of biosolids within six hours after delivery to the authorized beneficial use site."

(c) **Requested Action:** Please incorporate any biosolids that remain on the surface as field conditions allow.

3. **ORC 6111.07(A):** See Above

OAC 3745-40-06(A)(2): An application for an authorization for a beneficial use site shall be valid only for those conditions stated in the specific beneficial use site authorization.

NPDES permit no. 1IN00305*AD, Part II. G: See Above

(a) **Violation Description:** At Ohio EPA Site 29-00433, biosolids were pooled where the dragline had been disconnected.

(b) **Additional Information:** The site authorization issued for this site on June 25, 2015 includes the following special condition: "Dragline systems shall be managed in accordance with the Dovetail Energy Dragline Standard Operating Procedure submitted to Ohio EPA on June 19, 2015."

Requested Action: Please incorporate any biosolids that remain on the surface as field conditions allow and provide the dragline monitoring records for these sites.

4. **ORC 6111.07:** See Above

OAC 3745-40-08(C)(1): Isolation distance requirements. No person shall beneficially use class B biosolids within 300 feet of a private potable water source when surface application is utilized or within 100 feet of a private potable water source when injection or immediate incorporation is utilized.

NPDES permit no. 1IN00305*AD, Part II. G: See above

(a) **Violation Description:** Biosolids were applied on the surface of Ohio EPA Site 29-00184 approximately 100 feet from the residential well located at 4505 Byron Road.

(b) **Requested Action:** Please incorporate the biosolids that remain on the surface within the 300 feet isolation distance to the residential well as field conditions allow.

5. **ORC 6111.07:** See Above

OAC 3745-40-11(A): Unless deemed otherwise by the director, any authorized beneficial use site, where class B biosolids are beneficially used, shall have signs:

- (1) That are erected at least one week prior to the delivery of biosolids to the site;
- (2) That face each road frontage, within twenty-five feet of the road;
- (3) Within twenty-five feet of any entrance or exit on a public road where the site is accessed for beneficial use. The sign shall face the public road;
- (4) That include text that is in black capital letters on a white background, where the letters are one inch in height;
- (5) That read: "NOTICE: OHIO EPA AUTHORIZED CLASS B BIOSOLIDS BENEFICIAL USE SITE. TRESPASSING IS PROHIBITED";
- (6) That include the name of the permittee and the permittee's telephone number;
- (7) That are unobstructed from view.

NPDES permit no. 1IN00305*AD, Part II. G: See above

(a) **Violation Description:** Class B biosolids beneficial use signs had not been posted at these sites.

(b) **Requested Action:** Please place appropriate signage at these sites in accordance with OAC 3745-40-11 and submit the sign placement records.

Conclusion

Ohio EPA requests that Dovetail Energy, LLC promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and regulations. Within 30 days of receipt of this letter, please provide documentation to Ohio EPA of the actions taken and/or will be taken to resolve the violations cited above and if requested please submit a compliance plan on how the company intends to correct the violations cited above. Documentation of steps taken to return to compliance includes but is not limited

to: written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to betsy.vanwormer@epa.ohio.gov.

Failure to comply with Chapter 6111.07 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty. It is imperative that you return to compliance. If circumstances delay resolution of violations, Dovetail Energy, LLC is requested to submit written correspondence describing the steps that will be taken by date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Chapter 6111.09 of the Ohio Revised Code.

Should you have any questions, please contact me at (614) 644-2150 or betsy.vanwormer@epa.ohio.gov.

Sincerely,



Betsy P. L. VanWormer, P.E.
Environmental Engineer II
Ohio EPA Division of Surface Water
Central Office

ec: Scott Sheerin, DSW, CO
Erin Sherer, DSW, CO
Ned Sarle, DSW, SWDO
Chris Moody, DSW, NEDO
Andy Gall, DSW, NWDO
Christine Pence, ODA-DLEP
Taylor Faecher, Renergy, Inc.
Gruskie Pumping
Pitstick Pork Farms

Attachments



Violations #1 and #2



Violation #3



Violation #4